

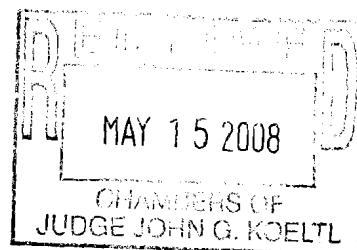
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STATE OF NEW YORK

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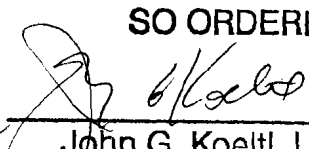
(212) 416-6295

May 15, 2008

**BY FACSIMILE**

Honorable John G. Koeltl  
United State Courthouse  
Southern District of New York  
500 Pearl Street, Rm. 1030  
New York, New York 10007

APPLICATION GRANTED  
SO ORDERED

5/15/08   
John G. Koeltl, U.S.D.J.

Re: Samuel Davis v. Rhoomes, et al. / 07 Cv. 6592 (JGK)

Dear Judge Koeltl:

I represent defendants Diane Van Buren, Robert Jones, Catherine Jacobsen, Captain Gene Niles, Lieutenant Faliski, Sergeant Degnan, and Correction Officers Rhoomes, Andino and Korines in this matter. I write to request an extension of time by which the defendants must move or answer with respect to the amended complaint from May 15, 2008 to May 23, 2008. This is defendants' third request for an extension of time. Plaintiff pro se has not been contacted for his consent as he is presently incarcerated.

The first request for an extension of time to file defendants' motion to dismiss the amended complaint was made on March 5, 2008 and defendants were granted until April 17, 2008. The second request, made on April 15, 2008, based on the service of additional defendants, requested until May 15, 2008. Said request was also granted by the Court.

The basis of this extension request is that I just realized I was moving to dismiss the wrong amended complaint in this case. While I was finalizing defendants' motion just a few minutes ago, I noticed, for the first time, that I had been referring to the August 9, 2007 "Amended Complaint" and not the February 5, 2008 "Amended Complaint." As both complaints are labeled "Amended Complaint" it was only when I went to retrieve a clean copy to attach to the Notice of Motion that I recognized my mistake.

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Honorable John G. Koeltl

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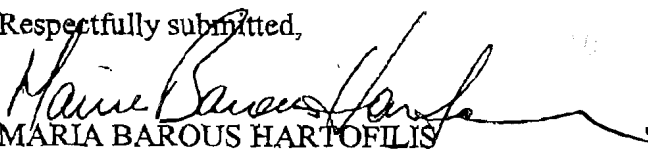
Davis v. Rhoomes, et al. / 07 Civ. 6592 (JGK)

Given the length of the February 5, 2008 "Amended Complaint" (77 pages containing 10 claims, 208 paragraphs and exhibits designated A through Z), and the need to address additional allegations, I am unable to complete the motion by midnight. I apologize to the Court and Mr. Davis for my error. I also apologize for any inconvenience I may have caused.

In addition, based on the fact that my current memorandum of law in support of defendants' motion to dismiss is at 25 pages and I have not yet addressed the additional allegations contained in the 2008 Amended Complaint, it is respectfully requested that defendants be granted a page limit extension of 10 pages.

Wherefore, it is respectfully requested that this Court grant defendants' request for an extension of time to file their motion to dismiss from May 15, 2008 to and including May 23, 2008 and that defendants' be granted permission to file a memorandum of law not to exceed 35 pages.

Respectfully submitted,

  
MARIA BAROUS HARTOFILIS  
Assistant Attorney General

cc: Samuel Davis  
Plaintiff - Pro Se  
By first class mail